

**U.S. District Court
Western District of Virginia (Charlottesville)
CIVIL DOCKET FOR CASE #: 3:19-cv-00017-GEC**

Southern Environmental Law Center et al v. Miranda et al
Assigned to: Senior Judge Glen E. Conrad
Cause: 05:552 Freedom of Information Act

Date Filed: 03/19/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Southern Environmental Law Center

represented by **Kimberley Claire Hunter**
Southern Environmental Law Center
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Chapel Hill, NC 27516-2356
919-967-1450
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LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Morgan Wyatt Butler
Southern Environmental Law Center
201 West Main Street, Suite 14
Charlottesville, VA 22902
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LEAD ATTORNEY
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Samuel Edward Evans
Southern Environmental Law Center
48 Patton Avenue, Suite 304
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828-258-2023
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Email: sevans@selcnc.org
LEAD ATTORNEY
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Plaintiff

Defenders of Wildlife

represented by **Kimberley Claire Hunter**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Morgan Wyatt Butler
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Leopoldo Miranda
*in his official capacity as Director of
Region Four of the United States Fish and
Wildlife Service*

represented by **Krista Consiglio Frith**
United States Attorneys Office – Roanoke
Western District of Virginia
310 First Street, SW, Suite 906
Roanoke, VA 24008

540-857-2956
Fax: 540-857-2283
Email: Krista.Frith@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

James Kurth

*in his official capacity as Deputy Director
Exercising the Authority of the Director of
the United States Fish and Wildlife
Service*

represented by **Krista Consiglio Frith**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Daniel Jorjani

*in his official capacity as Principal
Deputy Solicitor Exercising the Authority
of Solicitor, the head of the Office of the
Solicitor, an agency within the
Department of the Interior*

represented by **Krista Consiglio Frith**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

David Bernhardt

*in his official capacity as Acting Secretary
of the Department of the Interior*

represented by **Krista Consiglio Frith**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|--|
| 03/19/2019 | <u>1</u> | COMPLAINT against David Bernhardt, Daniel Jorjani, James Kurth, Leopoldo Miranda (Filing & Administrative fee \$ 400 paid by e-receipt no. 0423-3101552), filed by Southern Environmental Law Center, Defenders of Wildlife. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Civil Cover Sheet)(hnw) (Entered: 03/20/2019) |
| 03/19/2019 | <u>9</u> | Negative Corporate Disclosure Statement by Southern Environmental Law Center (hnw) (Entered: 03/21/2019) |
| 03/20/2019 | <u>2</u> | Electronic Summons Issued as to David Bernhardt, U.S. Attorney and U.S. Attorney General. NOTICE TO COUNSEL: Please print copies of the electronically issued summons for each defendant as necessary to effectuate service under Fed. R. Civ. P. 4. (Attachments: # <u>1</u> Summons Issued, # <u>2</u> Summons Issued)(hnw) |
| 03/20/2019 | <u>3</u> | Electronic Summons Issued as to Daniel Jorjani, U.S. Attorney and U.S. Attorney General. NOTICE TO COUNSEL: Please print copies of the electronically issued summons for each defendant as necessary to effectuate service under Fed. R. Civ. P. 4. (Attachments: # <u>1</u> Summons Issued, # <u>2</u> Summons Issued)(hnw) |
| 03/20/2019 | <u>4</u> | Electronic Summons Issued as to James Kurth, U.S. Attorney and U.S. Attorney General. NOTICE TO COUNSEL: Please print copies of the electronically issued summons for each defendant as necessary to effectuate service under Fed. R. Civ. P. 4. (Attachments: # <u>1</u> Summons Issued, # <u>2</u> Summons Issued)(hnw) |
| 03/20/2019 | <u>5</u> | Electronic Summons Issued as to Leopoldo Miranda, U.S. Attorney and U.S. Attorney General. NOTICE TO COUNSEL: Please print copies of the electronically issued summons for each defendant as necessary to effectuate service under Fed. R. Civ. P. 4. (Attachments: # <u>1</u> Summons Issued, # <u>2</u> Summons Issued)(hnw) |
| 03/21/2019 | <u>6</u> | AMENDED COMPLAINT against All Defendants, filed by Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9)(Butler, Morgan) |

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| 03/21/2019 | <u>7</u> | MOTION for <i>Samuel Evans</i> to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 0423-3103013. by Southern Environmental Law Center. (Attachments: # <u>1</u> Text of Proposed Order on Motion for Admission pro hac vice)(Butler, Morgan) |
| 03/21/2019 | <u>8</u> | MOTION for <i>Kimberley Hunter</i> to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 0423-3103029. by Southern Environmental Law Center. (Attachments: # <u>1</u> Text of Proposed Order on Motion for Admission pro hac vice)(Butler, Morgan) |
| 03/21/2019 | <u>10</u> | ORDER granting <u>8</u> MOTION to Appear Pro Hac Vice Attorney Kimberley Claire Hunter for Southern Environmental Law Center added. Signed by Senior Judge Glen E. Conrad on 3/21/19. (hnw) |
| 03/21/2019 | <u>11</u> | ORDER granting <u>7</u> MOTION to Appear Pro Hac Vice Attorney Samuel Edward Evans for Southern Environmental Law Center added. Signed by Senior Judge Glen E. Conrad on 3/21/2019. (hnw) |
| 04/24/2019 | <u>12</u> | ANSWER to <u>6</u> Amended Complaint, by David Bernhardt, Daniel Jorjani, James Kurth, Leopoldo Miranda.(Frith, Krista) |
| 04/26/2019 | <u>13</u> | Magistrate Consent Notice to Parties. (hnw) |
| 06/06/2019 | <u>14</u> | Rule 26(f) Agreed Written Plan by Defendants David Bernhardt, Daniel Jorjani, James Kurth, Leopoldo Miranda (Frith, Krista) |
| 08/22/2019 | <u>15</u> | MOTION to Dismiss for Lack of Jurisdiction <i>over Count 2</i> by David Bernhardt, Daniel Jorjani, James Kurth, Leopoldo Miranda. (Frith, Krista) |
| 08/22/2019 | <u>16</u> | Brief / Memorandum in Support re <u>15</u> MOTION to Dismiss for Lack of Jurisdiction <i>over Count 2</i> . filed by David Bernhardt, Daniel Jorjani, James Kurth, Leopoldo Miranda. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Frith, Krista) |
| 09/06/2019 | <u>17</u> | RESPONSE in Opposition re <u>15</u> MOTION to Dismiss for Lack of Jurisdiction <i>over Count 2</i> . filed by Defenders of Wildlife, Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit 1, Email and Attachment from Plaintiffs to Defendants, 9/24/18, # <u>2</u> Exhibit 2, Email and reply, 10/18/18, # <u>3</u> Exhibit 3, Discovery documents, # <u>4</u> Exhibit 4, additional public records, # <u>5</u> Exhibit 5, Prater Declaration, # <u>6</u> Exhibit 6, Email and reply 6/7/18-6/8/18, # <u>7</u> Exhibit 7, Selection of Pending FOIA Requests before Defendants, # <u>8</u> Exhibit 8, Defendants' Vaughn Index)(Hunter, Kimberley) |
| 09/13/2019 | <u>18</u> | REPLY to Response to Motion re <u>15</u> MOTION to Dismiss for Lack of Jurisdiction <i>over Count 2</i> . filed by David Bernhardt, Daniel Jorjani, James Kurth, Leopoldo Miranda. (Frith, Krista) |
| 09/16/2019 | <u>19</u> | MOTION to Accept Plaintiffs' Response by Defenders of Wildlife, Southern Environmental Law Center. (Hunter, Kimberley) |
| 09/27/2019 | <u>20</u> | NOTICE of Hearing on Motion <u>19</u> MOTION to Accept Plaintiffs' Response , <u>15</u> MOTION to Dismiss for Lack of Jurisdiction <i>over Count 2</i> and forthcoming Motion to Compel in conjunction w/ similar motions in 3:19-cv-11 : (CR) (No Interpreter requested) Motion Hearing set for 11/4/2019 10:00 AM in Roanoke before Senior Judge Glen E. Conrad. (ssm) |
| 09/30/2019 | <u>21</u> | MOTION to Compel by Defenders of Wildlife, Southern Environmental Law Center. (Hunter, Kimberley) |
| 09/30/2019 | <u>22</u> | Brief / Memorandum in Support re <u>21</u> MOTION to Compel . filed by Defenders of Wildlife, Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit 1, Declaration of Samuel Evans)(Hunter, Kimberley) |
| 10/07/2019 | <u>23</u> | MOTION for Leave to File <i>Corrected Declaration of Samuel Evans</i> by Defenders of Wildlife, Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit Declaration of Samuel Evans)(Hunter, Kimberley) |
| 10/15/2019 | <u>24</u> | MOTION for Summary Judgment of <i>Count 1</i> by David Bernhardt, Daniel Jorjani, James Kurth, Leopoldo Miranda. (Frith, Krista) |
| 10/15/2019 | <u>25</u> | Brief / Memorandum in Support re <u>24</u> MOTION for Summary Judgment of <i>Count 1</i> . filed by David Bernhardt, Daniel Jorjani, James Kurth, Leopoldo Miranda. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Frith, Krista) |

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| 10/15/2019 | <u>26</u> | RESPONSE in Opposition re <u>21</u> MOTION to Compel . filed by David Bernhardt, Daniel Jorjani, James Kurth, Leopoldo Miranda. (Attachments: # <u>1</u> Exhibit 1)(Frith, Krista) |
| 10/29/2019 | <u>27</u> | RESPONSE in Opposition re <u>24</u> MOTION for Summary Judgment of <i>Count 1</i> . filed by Defenders of Wildlife, Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit 1, Email from McClurkin to Evans, # <u>2</u> Exhibit 2, Miranda Emails, # <u>3</u> Exhibit 3, FOIA Emails, # <u>4</u> Exhibit 4, Google docs, # <u>5</u> Exhibit 5, Key Deer Emails, # <u>6</u> Exhibit 6, Email from Arnold to Fahey, # <u>7</u> Exhibit 7, Email from Arnold to Merritt)(Hunter, Kimberley) |
| 11/01/2019 | <u>28</u> | Reply re <u>27</u> Response in Opposition to Motion, <u>25</u> Brief / Memorandum in Support, <u>24</u> MOTION for Summary Judgment of <i>Count 1</i> . filed by David Bernhardt, Daniel Jorjani, James Kurth, Leopoldo Miranda. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Frith, Krista) |